

Mr. GRAHAM: I have had only one case drawn to my attention and I do not necessarily want to identify it. Somebody imported huge bolts of cloth and all that was done in Western Australia was that the ends were hemmed. To the importer this made the product "manufactured in Western Australia." Surely this is nonsensical. The article was a piece of cloth, a bed sheet, or something of that sort.

I would like to make one further comment and that concerns the symbol itself. It was designed by a professional officer. I do not know the reasons behind the exact form that it has taken. The symbol has been in use for a period in excess of 18 months and it has been accepted by our people—it is easily identified as being representative of Western Australia. The proof of the pudding is in the eating—in other words, the symbol is doing its job.

We hope the symbol will go from strength to strength to reach those people who are not as yet aware of its existence. As it becomes more widely known it is most important that it is justifiably used by a *bona fide* company operating in this State.

Sir David Brand: It does its job as long as the quality of the goods is maintained or improved.

Mr. GRAHAM: That is so. The point about it is it should be a guarantee that the goods are made in the State, whether they be good, bad, or indifferent. Of course, we hope they will be good. If this symbol is to mean anything action must be taken to ensure it is used only by manufacturers entitled to use it.

Debate adjourned, on motion by Mr. Court (Deputy Leader of the Opposition).

House adjourned at 9.55 p.m.

Legislative Council

Thursday, the 16th September, 1971

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS (3): ON NOTICE

1. ARTS ADVISORY BOARD

Country Areas Representation

The Hon. T. O. FERRY, to the Leader of the House:

With reference to the feature article by Caroline Pummer in *The West Australian* dated the 10th September, 1971, relating to the Arts Advisory Board, indicating that "because the Government assistance was designed to benefit the entire State, the Board had to

ensure that proper emphasis was placed on the needs of country areas"—

- (a) has a country areas representative been appointed to the Board;
- (b) if so—
 - (i) who is the representative; and
 - (ii) where does he reside;
- (c) if not, for what reasons was this appointment omitted?

The Hon. W. F. WILLESEE replied:

- (a) No.
- (b) Answered by (a).
- (c) (i) It is considered by the Government that the Board as a whole has the knowledge and capacity to cater adequately for the needs of country areas.
- (ii) In particular, Board member Mrs. Erica Underwood, while conducting the A.B.C. Women's Session, acquired a very extensive knowledge of the cultural scene throughout Western Australia.
- (iii) It is anticipated that the appointment of a Liaison Officer for Cultural and Education Affairs will ensure direct personal contact with all country centres.

2. *This question was postponed.*

3. HEALTH

Establishment of Family Planning Clinic

The Hon. G. C. MacKINNON, to the Minister for Police:

In view of the present interest in Family Planning (see for example *The West Australian* of Friday, 10th September, 1971), is it intended to amend and update the Contraceptives Act, 1939?

The Hon. J. DOLAN replied:

The matter has been referred to the Police Department and the Crown Law Department with a view to determining whether amendments are necessary.

MAIN ROADS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. J. Dolan (Minister for Police), read a first time.

DAYLIGHT SAVING BILL*Second Reading*

THE HON. R. H. C. STUBBS (South-East—Chief Secretary) [2.38 p.m.]: I move—

That the Bill be now read a second time.

This Bill is for an Act to promote the earlier use of daylight for a period commencing at 2 a.m. on the 31st October, 1971, and ending at 2 a.m. on the 27th February, 1972.

The Daylight Saving Act of 1946 is repealed. The 1946 Act was introduced at a time of an electricity emergency. It authorised the Governor to declare a daylight saving time of up to two hours in advance of standard time, to be operative in an area having a radius of 35 miles from the G.P.O.

The new legislation repeals the 1946 Act and is a new and more technically accurate measure. It will apply to the whole of the State but only for the period stated. It will be a trial period for daylight saving in Western Australia. If it is intended to again have daylight saving after the period expressed in the legislation, it will be necessary for an amending Bill to be introduced, and Parliament can again consider the matter.

The main reason for the introduction of daylight saving in Western Australia is that Victoria, New South Wales, Queensland, and South Australia are each taking action to introduce legislation for daylight saving of one hour for the same period as expressed in this Bill.

Tasmania passed legislation in 1967 to give daylight saving a trial in the 1967-68 summer. The experiment was so successful the legislation was renewed for two years in 1968 and made permanent in 1970.

If Western Australia does not follow the other States in this change of time, the effective business hours for communication with the Eastern States will be drastically reduced from four hours to three hours. At present, we have two hours from 8.30 a.m. to 10.30 a.m. for business communication with the Eastern States before their lunch break starts; then one hour from 12 noon to 1.00 p.m. after their lunch hour, and another hour from 2.00 p.m. to 3.00 p.m. after our lunch break. Eastern States offices close at 3.00 p.m., our time, or earlier. In Canberra, offices close at 4.50 p.m., their time, which is 2.50 p.m., Perth time.

With one hour of daylight saving operating in the east and with standard time here, the effective hours of business would be one hour from 8.30 a.m. to 9.30 a.m. (11.30 a.m. to 12.30 p.m., Perth time), and two hours from 11.00 a.m. to 1.00 p.m. (2.00 p.m. to 4.00 p.m., Perth time)—a total of only three hours. With daylight saving operating here as well as in the

east, the position would be the same as it is now—four hours—and we would maintain our present time relationship with the Eastern States. Western Australia first experienced daylight saving in 1917—

The Hon. J. Heitman: It was not very successful, either, was it?

The Hon. W. F. Willesee: I enjoyed it very much.

The Hon. R. H. C. STUBBS: —when clocks throughout Australia were advanced one hour during the summer as a wartime measure designed to conserve coal and facilitate more effective use of manpower. From January to March, 1942, and from September, 1942, to March, 1943, the Commonwealth Government again introduced a similar change as a wartime measure. Western Australia did not participate in the 1943-44 period.

However, the circumstances then are not comparable with present-day conditions. Western Australia then had a military environment and a rural economy with little need and fewer facilities for non-government business communication with the Eastern States. Today, there is vast interchange of business, stimulated by jet air travel and modern telecommunications, drawing the two areas together and demanding optimum facilities for intercommunication.

When the Government considered the introduction of daylight saving, it was aware of the problems involved for some sections of the community, but in view of the financial situation being experienced in this State at present it was considered that by not joining with the other States we would be adversely affected if we did not maintain our present standard of business communication with the eastern capital cities.

The Postmaster General's Department has also expressed doubt as to the capacity of the interstate communication lines to cope with the increased traffic during the reduced trading time which would be available if daylight saving were not introduced.

In its present state of growth, Western Australia cannot afford to be placed at a disadvantage in its dealings with other capital cities. This is especially so in the financial field—the short-term money market, banking, the stock exchange, and legal dealings—where time becomes vital in dealing with Eastern States markets. Also, the State and interstate air line services and interstate shipping must maintain a standard time sequence with the other States.

Many letters received in favour of daylight saving expressed the benefits of an extra hour of daylight after the working day. It would increase the leisure hours of summertime which could profitably be spent in physical and passive recreation, and would increase the physical wellbeing of the community. Many people who have

experienced daylight saving in England and other countries of the northern hemisphere where daylight saving is practised supported the move for daylight saving in Western Australia.

Some sectors, no doubt, will be slightly affected, and some adjustment will have to be made. The rural areas are mainly opposed to daylight saving because it is claimed there are no benefits in such areas where work is governed by solar time rather than by the clock.

Concern was expressed at the effect on school children, some of whom use school buses, often necessitating their leaving home at 7.15 a.m. at present, which would mean 6.15 a.m., solar time, under daylight saving, and would necessitate their returning home in the hottest part of the day. It was said that children rested better in the cool of the morning than in the heat of the evening.

Wheat farmers complained that the crop could not be stripped until the sun had dried the heads, so starting an hour earlier by the clock would be of no advantage. Wheat bins would open by the clock an hour earlier and have nothing to do for that hour but would close an hour earlier, just when they were needed most. The dairying industry was mentioned, and also the fact that cows were accustomed to being milked at regular times.

The difference of one hour in clock time will not make much difference to rural life.

The Hon. J. Heitman: Why?

The Hon. R. H. C. STUBBS: Children will adjust quickly to an earlier rising time. They will not lose any sleeping time, because they will be retiring at the normal bed-time by the clock and rising at the normal clock time. The difference in temperature in the one hour, especially in the inland areas, would be negligible.

It is realised farmers cannot harvest until the crop has dried out, and the receiving times at bins could be adjusted to meet this problem, as could delivery and pick-up times for the milk industry.

Another point raised was that rural people working on solar time would be disturbed if they were unable to buy goods or order from the city late in the afternoon.

I do not see what difference daylight saving will make in this regard as the same clock time will operate in both the rural districts and the city. If there were different times operating in the two areas there could be a problem but this Act will apply over the whole of the State.

The entertainment industry, especially those involved in outdoor entertainment and the motion picture industry—that is, drive-in theatres which could not commence showing until an hour later because of the extended daylight—could be affected.

The Hon. J. Heitman: You do not want to worry about that.

The Hon. R. H. C. STUBBS: I am trying to present an unbiased case. I try to do that every time. I am trying to explain every detail that is expected of me.

The Hon. A. F. Griffith: I think you are doing a good job with your explanation. You are not worrying about the people who will be affected.

The Hon. R. H. C. STUBBS: Likewise, those people working shifts or commencing work early in the morning could be affected initially.

Some people are reluctant to accept change, and I think a great deal of emotion has crept into the opposition that has been generated against daylight saving. I have no doubt that once it is introduced people will quickly adjust and realise the benefits of the longer daylight hours in the evening.

In a measure such as this it is impossible to please everyone. I can see that.

The Hon. J. Heitman: It is a wonder you did not know that after you received 600 letters against it.

The Hon. A. F. Griffith: I think the Minister ought to receive a deputation from some farmers' wives and let them tell him what they feel about it.

The Hon. R. H. C. STUBBS: Does the Leader of the Opposition think I do not have people in my electorate who are interested in the rural situation?

The Hon. A. F. Griffith: It is even more surprising to me that you are just brushing them to one side.

The Hon. R. H. C. STUBBS: I am not brushing them to one side.

The Hon. J. L. Hunt: How would it affect the boomerang industry?

The Hon. R. H. C. STUBBS: I am giving an unbiased view of the situation in Western Australia. Our economy and unemployment have worried us very much. We thought communications with the Eastern States might be affected, thus making people jobless.

The Hon. J. Heitman: Could they not get up an hour earlier and get their messages through an hour earlier, without upsetting everybody?

The Hon. R. H. C. STUBBS: I have explained this at length. The advantages of adopting daylight saving and keeping the present time difference with the Eastern States far outweigh the disadvantages. Further, this Act is for a specified period only—a trial period—and will be brought up again at the end of the period for review before continuing the practice.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

LAND TAX ASSESSMENT ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon W. F. Willesee (Leader of the House), for the further consideration of clause 4.

In Committee

The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. W. F. Willesee (Leader of the House) in charge of the Bill.

Clause 4: Section 10 amended—

The Hon. W. F. WILLESEE: I move an amendment—

Page 2, line 29—Delete the word “paragraphs” inserted by a previous Committee and substitute the word “paragraph”.

I think the less I say about this the better.

The Hon. I. G. MEDCALF: This is an interesting amendment. We debated the principal issue last night, and I do not propose to labour the point any more than the Leader of the House. I think it is relevant to say that I was fascinated at the vociferous demeanour of the Leader of the House when he said, “Aye” last night and, as a result of his extraordinarily loud vote, managed to convince the Committee that the amendment we are now seeking to delete should be included. I thought for a moment he had had a change of heart and that at the last minute, in spite of the presence of the Commissioner of Taxation, had suddenly seen the force of our argument. But, alas, that was not to be. I see no reason for opposing the amendment.

The Hon. W. F. Willesee: Thank you, Shylock!

Amendment put and passed.

Clause, as further amended, put and passed.

Bill again reported, with a further amendment.

TOWN PLANNING: CORRIDOR PLAN

Inquiry by Select Committee: Motion

Debate resumed, from the 7th September, on the following motion by The Hon. F. R. White:—

That a Select Committee be appointed to inquire into and report upon the Corridor Plan for Perth as published by the Metropolitan Region Planning Authority, and to make such recommendations as to the feasibility of the Plan or to recommend such alterations and amendments as are considered to be desirable in the interests of Planning the Metropolitan Region.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.56 p.m.]: When Mr. White was explain-

ing the purpose of this motion he suggested that a Select Committee should have two objectives: firstly, an impartial scrutiny of the corridor plan; and, secondly, knowledge to benefit parliamentarians. The honourable member referred to the tremendous amount of information contained in existing plans and reports which are generally available. Nevertheless he asserted that there was a great deal of confusion and lack of knowledge in the public mind. The mover of the motion was at pains to make plain that his motion should not be construed as a criticism of the corridor plan. He then proceeded to espouse what he considered were its virtues. Therefore, Mr. White—who no doubt would be the chairman of the Select Committee which he proposes, should the motion succeed—it seems is already committed to support corridors.

The State's corridor concept would prevent what he calls the “urban sprawl.” Presumably the honourable member does not regard the corridor concept as a sprawl; yet if there is to be a corridor, as is apparently proposed, more than 100 miles from north to south, what word would best describe it?

The honourable member speaks of provision being made for new rural areas and for universities, regional hospitals, and the like. I submit that any worthwhile plan would make provision for these. Long tentacles in themselves are no guarantee of this. The proper and necessary planning is the job of planners; to provide a proper environment for residential, recreational, commercial, industrial, and other purposes with provision for convenient lines of communication.

Mr. White quoted what is officially described to me as the unreliable testimony of one Peter Harrison of the Australian National University who, in a letter to *The West Australian* last month endeavoured to convey the impression that the national capital was being planned along corridor lines. This myth, I am advised, was exploded in the same newspaper a few days later by a Mr. Ralph Hibble, himself a qualified town planner and architect, when a plan was published accompanying a letter from him showing that the contention simply was not true.

The Hon. G. C. MacKinnon: Can you tell us why Peter Harrison is unreliable?

The Hon. W. F. WILLESEE: In due course. Since having had this brought to my notice I have become a little curious why Mr. White made no mention of this when endeavouring to give the House diverse views on the corridor plan.

The Real Estate Institute of Western Australia was quoted as having given overwhelming support to the corridor concepts. In all seriousness, what would be the authority of land agents? In the days of the previous Government's appointment of

a Cabinet subcommittee in numbers sufficient to curb rising land prices—consequent upon M.R.P.A. policies—from skyrocketing above Melbourne, Sydney, and all other capital cities of the Commonwealth, the land agents scored more than any other section of the community. This was because of the price of land and the rapidity of sales—the continual changeover from hand to hand at increasing prices. It is quite natural they would be in favour of a continuation of the concept of lines being drawn on plans to “fence people in” and contribute to a continuation or acceleration of land values.

The Hon. G. C. MacKinnon: You are giving this as a statement of fact and really it is only a matter of opinion.

The Hon. W. F. WILLESEE: That, of course, is a matter between the honourable member and myself. I might think it is a fact while he thinks it is a matter of opinion and *vice versa*.

The Hon. G. C. MacKinnon: That only underlines that it is an opinion.

The Hon. W. F. WILLESEE: A fact is something that can be read about.

The Hon. G. C. MacKinnon: These cannot; therefore they are opinions.

The Hon. W. F. WILLESEE: We can say it is a fact particularly if we can produce an authority.

The Hon. G. C. MacKinnon: You cannot produce an authority for these particular matters.

The PRESIDENT: Order! The honourable member will have an opportunity to make his speech.

The Hon. W. F. WILLESEE: Thank you, Mr. President, I think he has already made it. Therefore, while not criticising Mr. White for mentioning that the Real Estate Institute was so strongly in support of the corridor plan, I feel it is my duty to indicate one good reason at least on which that support may well have been founded.

The honourable member speaks of the purpose of the motion being to enable members of Parliament “to make a balanced judgment when the proposals of the Corridor Plan are tabled in this House.” The obvious question here is why not await the Ritter report? What makes the member think the corridor plan will be tabled? The honourable member speaks of the need to be educated further in town planning—why then the desire to avoid being educated by the Ritter analysis after having obviously imbibed the corridor plan? As one who is not directly involved it would appear to me that advocates of the corridor appear most anxious to avoid hearing the other side.

It is proposed that this Select Committee should hear Mr. Ritter's evidence before his studies are completed. This course, I suggest, would be most unwise. The

studies contemplated will be wide in their application, entail much research and no doubt exchange of views with local authorities concerned, even to the extent I am advised of flying over the area.

The honourable member went out of his way, I thought, to emphasise the need for impartiality. I take no exception to this emphasis on impartial scrutiny, but merely remark that it is an aspect which has been introduced apparently since the motion was formulated, for these words have no place in it.

An impartial scrutiny is sought, apparently, for the reason that some people eulogised and others disparaged the plan.

Why this sudden interest in Select Committees? The honourable member points out in effect that earlier approaches for Select Committees of inquiry have over the years fallen on deaf ears. I must agree with the honourable member that few committees of inquiry or Royal Commissions have been allowed by this Chamber. One was passed in 1962. This was a move for a Select Committee by The Hon. E. M. Heenan into pneumoconiosis which was amended by The Hon. J. G. Hislop and further amended, before being passed, by the Leader of the Government in this Chamber.

Then, in 1962 a Select Committee on fisheries was agreed to. This eventually became an Honorary Royal Commission. The mover in that case was my colleague, The Hon. Ron Thompson.

A request for a Select Committee into the prospecting industry, moved by The Hon. E. M. Heenan in 1963, was however negated, but an all-party gold mining industry committee of inquiry was set up in 1964.

My colleague, The Hon. R. H. C. Stubbs, moved in 1965 for the appointment of a Select Committee on industrial noise in primary and secondary industries. That approach was negated.

In 1966, again, The Hon. Ron Thompson sought a committee of inquiry into land resumption. This approach was negated.

A request for a Select Committee into motor vehicle accident victims was also moved by The Hon. E. M. Heenan, but was negated.

In the same year the late The Hon. H. C. Strickland moved a motion for the appointment of a Select Committee into the Metropolitan Region Improvement Tax Act. That also was negated.

In 1968 The Hon. Ron Thompson made a further attempt to have a Royal Commission established to inquire into land resumption. This second attempt was negated.

With that record, one could I think be excused for coming to a conclusion that the Government to which The Hon. F. R. White owed allegiance did not have in

the forefront of its policy acceptance of Select Committees as a logical parliamentary exercise involving public inquiries into complaints made in this Chamber.

Turning to the present climate: we find that in 1971 a motion for a Select Committee to inquire into the potato industry—and moved by The Hon. V. J. Ferry—has been agreed to. Yet—I am disposed to the view that the position of the potato industry in 1971 is much akin to that existing in 1970 and the year before that and the year before that.

The Hon. A. F. Griffith: The Minister is going close to reflecting on the vote of the House.

The Hon. W. F. WILLESEE: There is no reflection intended. I am merely stating a fact.

The Hon. A. F. Griffith: I realise you are doing it very gently.

The Hon. W. F. WILLESEE: It is not my intention to reflect on the House at all.

The Hon. A. F. Griffith: I will make a note in the forefront of my diary because the chickens might come home to roost.

The Hon. W. F. WILLESEE: That could possibly be so.

The Hon. Clive Griffiths: You're doing all right Bill!

The Hon. W. F. WILLESEE: I am deeply encouraged. It is not my intention, however, to be influenced by precedents set by the previous Governments. The motion before the House which we are now considering is one to which I take no exception. Nevertheless, I am somewhat intrigued by some of the submissions made by the mover of the motion.

The Hon. F. R. White has outlined the wide scope of planning information available; yet he underlined the confusion and ignorance of the public and went on to say, and I quote: "Unless one has a sound knowledge of town planning and all its intricacies one cannot be capable of giving a constructive expression of opinion." There follows mention of knowledge that may be acquired as a member of the committee and a requirement as to knowledge of many Acts of Parliament and the scope of the instrumentalities involved.

It will be apparent, I believe, to all members that the responsibilities of the members who might be appointed to a committee such as that proposed will be very heavy indeed. It will, I believe, be a hard and thankless undertaking but one which, nevertheless, may come up with something.

The search for knowledge which the honourable member mentioned several times in his speech, incidentally, has no special mention in the motion before the House: Inquiry yes, but no academic search for knowledge.

I shall read the motion. The Hon. F. R. White proposes—

That a Select Committee be appointed to inquire into and report upon the Corridor Plan for Perth as published by the Metropolitan Region Planning Authority, and to make such recommendations as to the feasibility of the Plan or to recommend such alterations and amendments as are considered to be desirable in the interests of Planning the Metropolitan Region.

This to my mind is a stupendous undertaking, but I think, Mr. President, you will have gauged that my intention is not to oppose the motion. Yet, I believe it is unnecessarily restricted in its application within the precinct of the Legislative Council. I would mention, therefore, that should the motion succeed it would be my intention to move immediately a further motion that the committee allowed by the House be enlarged to encompass the Legislative Assembly; that a Joint Select Committee be appointed and that the other place be requested to move accordingly.

The Hon. A. F. Griffith: When you say the motion should succeed, your acquiescence would ensure success.

The Hon. W. F. WILLESEE: I thank the Leader of the Opposition, we are in complete agreement on that point.

But finally, I would emphasise the desirability at this stage of members awaiting the result of the Ritter report and in this connection I am authorised by the Minister for Town Planning to give an undertaking that nothing will be done about the corridor plan before the autumn sitting of Parliament next year. There is therefore no urgency in the matter.

The Hon. G. C. MacKinnon: You can buy the booklet at 30c a copy.

The Hon. W. F. WILLESEE: In deference to the honourable member I have struck out all reference to that in my speech.

THE HON. F. R. WHITE (West) [3.10 p.m.]: I do thank the Leader of the House for his comments although I believe that some of his remarks were a little unfair. He indicated that my attitude was not impartial, but was biased. Let us be fair. Anyone who has read my speech fairly will know I did not espouse the virtues of the corridor plan. I did mention its virtues as espoused by other people, but I also mentioned that it had been disparaged by a number of people. I endeavoured to say merely that conflict of opinion was in evidence for and against the corridor plan; I did not espouse its virtues or its limitations.

In order to support his statement the Minister said I had tended not to be impartial and he made reference to the unreliable testimony of Peter Harrison. He stated this unreliable testimony had been

exploded by a Mr. Hibble, but then went on to support his argument by saying I had espoused the statement made by the Real Estate Institute. He did not mention the other side of the story which I quoted. I do feel he was rather unfair in what I consider was not a silent attack upon me, but a definite attack upon my intentions when moving this motion. My motion was based on a need for impartiality.

The Leader of the House then went on to say that in my speech I had suggested that earlier requests for Select Committees had fallen on deaf ears. I did not say this in my speech at any time. All I said was there had been only one Select Committee, other than the one to inquire into the potato industry, since 1958. I said there had been a deficiency. I did not say whether approaches had been made for the appointment of Select Committees or that they had fallen on deaf ears.

The Leader of the House went on to say that a number of attempts had been made to have Select Committees appointed. However, those attempts were made when I was not in Parliament; so I was not aware of them. I did not enter Parliament until the 21st October, 1967.

The Minister then went on to say that he took no exception to the motion and I was very pleased to hear that. He obviously gave his support to it. However, he also said that whoever became involved in this Committee would have a very thankless task. It will not be a thankless task; it will be very rewarding to anyone serving on the committee. The knowledge acquired and the service afforded to the future of the metropolitan region will give a tremendous amount of satisfaction to any individual on that committee.

The Leader of the House then went on to say that he considered the committee should not be restricted to the members of this Chamber and suggested that a joint committee might be desirable. This could be the case, depending upon the make-up of the committee. If he moves a motion along these lines I will possibly agree with it.

I do thank the Leader of the House for his support. I also thank all members for their support, because silence is usually taken as consent.

Question put and passed.

Points of Order

The Hon. R. J. L. WILLIAMS: On a point of order, Mr. President, I know it is your task to observe all the dignity and integrity of this House, and prior to the appointment of members to this Select Committee I ask your ruling on Standing Order 336 which reads—

No member shall sit on a Select Committee who is personally interested in the inquiry before such Committee.

From my reading of that Standing Order I would say that anyone having a dwelling within the corridor planning area is ineligible to sit on the committee. I ask for your ruling.

The Hon. W. F. Willesee: He has a point there.

The Hon. R. J. L. WILLIAMS: It does say "personally interested;" it does not refer to a vested interest.

The Hon. J. Dolan: Even if you have a block of land it would be sufficient I should think.

The PRESIDENT: I will defer my decision until a later stage of the sitting. It would appear that the ruling asked for by Mr. Williams is of such a nature I will have to be very careful before I make my decision.

The Hon. R. J. L. WILLIAMS: I am obliged.

The Hon. L. A. Logan: Why didn't you raise it about the fellows who eat potatoes who are sitting on the potato Select Committee?

A member: He probably didn't think of it.

The Hon. R. J. L. Williams: I always think. It is up to the President to give a ruling.

The Hon. W. F. WILLESEE: On another point of order, as you may rule that certain people are involved in this situation, I think we should not proceed at this stage, because the next move is for Mr. White to name the people who will serve on the Select Committee.

The PRESIDENT: The item on the notice paper will stand in abeyance until such time as I give my ruling.

The Hon. W. F. WILLESEE: Does that mean I do not proceed with the proposals I have in mind?

The PRESIDENT: Not for the time being.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th September.

THE HON. L. A. LOGAN (Upper West) [3.19 p.m.]: I suppose it is fair enough to say that this legislation is of a social nature and creates emotion, frustration, and irritation. It is certainly irritating and annoying to some people mainly because of the ramifications of the procedures which must be followed and because of the delays occasioned by the various provisions the Act contains. Those who try to administer the Act also find it very frustrating and demanding.

The measure attempts to bring some degree of uniformity throughout Australia and New Zealand in connection with the adoption of children. For some time, departmental directors and Ministers have been working to obtain the greatest degree of uniformity possible. Of course complete uniformity is not possible, because different States have different ideas as far as adoption is concerned. However, at their last meeting the Ministers agreed to go as far as they could towards uniformity. With this in mind, and as a result of the experience of all the States, and the experience of the department in this State since the 1964 legislation was enacted, the present amendments are before us.

I have mentioned irritation and annoyance. One of the most insulting, and certainly one of the most disgusting, letters I received came from a reverend gentleman who was endeavouring to adopt a child. I think I am fair in saying that. I believe a person in that position should not have written such a letter. I have mentioned this to illustrate that delays cause irritation which tends to make people somewhat irrational at times.

I assure the Leader of the House and other members that this position worried me considerably when I was a Minister. I was never able to find the answer.

The Hon. W. F. Willesee: I bet you were never given enough money either.

The Hon. L. A. LOGAN: I was not, and possibly one of the greatest problems of the department is the shortage of staff to do the work. This is one of the reasons for the long delay which occurred before the 1964 legislation was brought down. Staff were not available to do all that had to be done. Despite the fact the rate has been stepped up recently, the department is still getting further behind because of the number of applications. I only hope the present Minister for Community Welfare can induce his Premier to give him much more money to cover the wages of a bigger staff to handle this situation and to reduce the individual volume of work and the time lag which now occurs.

At the moment approximately one-third of ex-nuptial children born are available for adoption. Of course some children are not medically fit at the time of birth and in some cases it is a considerable time before they are given a medical clearance. Also, there is a growing tendency for unmarried mothers to keep their children. This is why about one-third of ex-nuptial children are available for adoption.

The Bill introduces a few new features. It has three new interpretations, one of which deals with the age of a child. It is intended that the age shall be 18 instead of 21. Also, the word "person" appears in the interpretation of a child, because in reducing the age from 21 to 18 the measure must make provision for the exceptional case of a person over the age of 18 being adopted.

The measure also adds the interpretation of "memorandum." This is necessary because some States do not supply a copy of the adoption order but purely a memorandum. As interchange and reciprocity between the States and New Zealand is necessary, it is essential to define "memorandum" and include it in the Act.

An extremely important feature of the Bill is that it spells out in no uncertain terms that the interests of the child are to be paramount. This has always been the case so far as the department is concerned, but it is the first time to my knowledge that this has been spelt out in legislation.

In the Act as it now exists there are two separate sections dealing with male and female children. These provisions will be amalgamated under this measure by repeal and re-enactment of the relevant sections. The Bill also seeks to reduce the age requirement of a single person adopting a child from 30 years to 18 years. Hardships—perhaps that is not the exact word, but it is near enough—have been experienced in some cases. For example, a married couple may have decided to adopt a child. They may have a child in their care and be awaiting adoption papers when one of them dies, perhaps from a traffic accident or some other cause. When both are alive they can adopt a child, although the adopting parents may be quite young. However, once one dies a single person has the 30 years differential in age applied. In many cases this provision has prevented people from carrying on with the adoption of the child because they could not qualify on the age basis. I do not think it was ever intended this should happen and I am glad this problem will be overcome by the reduction of the age. There are still many safeguards but we need not worry in this connection. I am quite pleased to see this provision included in the Bill and I hope it ensures that these hardships will not occur in the future.

The measure will widen the scope of the director by allowing officers of the department to perform certain functions. Under the present Act, once a person signs his child over for adoption to the director, as guardian, the director has no power to refuse irrespective of the circumstances. We can be quite sure there are couples within our community who are prepared to dodge their responsibilities after bringing into the world an unwanted baby. The baby may not be wanted for a number of reasons, perhaps because of some deformity or some other cause. Some parents are only too anxious to get rid of their responsibilities. They readily sign an adoption order and, under the old Act, the director had no right to refuse.

This Bill gives the Minister the right and if he declines to accept the responsibility the child goes back to its previous parents or guardian. It is on such occasions that certain costs are incurred by

the department and this measure gives the department the right to incur such expenses and then seek to recover the costs.

This Bill makes it an offence to publish the names of the natural parents or guardian of the child, and I think this is a clear enough provision. It is also an offence for the parents seeking to adopt a child to take the child out of the State without first getting approval or giving notification.

The Hon. G. C. MacKinnon: There would not be much chance of enforcing that with a babe in arms? How would you tell?

The Hon. L. A. LOGAN: If it is known there is an order out for adoption and the adopting parents go to another State before this is completed, they could soon be traced.

The Hon. J. Dolan: I sign several every week.

The Hon. L. A. LOGAN: However, this does happen. The Bill spells out the details clearly and the material necessary for a report to the judge. It also states in no uncertain terms what is to be considered by the judge before he makes his final decision.

If the director reports favourably on the person concerned, this is conclusive proof and no further action is needed; the judge may accept it. However, where a director reports unfavourably on a couple, the judge need not accept the director's report but can make his own judgment of the situation. In this way couples virtually have the right of appeal against the director's report. There is nothing wrong with this.

The adoptive child takes over the name and responsibilities of the family adopting him. However, previously he had the right to inherit from his natural parents or guardian, but under the new provision this will no longer apply, the adoptive child will be accepted as part and parcel of the family as if born in wedlock and he will not be able to receive any benefit from his previous guardian or natural parents. This will be wiped out when the Bill becomes law and is an important change in the Act.

It is fair enough to say one cannot have the best of both worlds and if a child is brought into the family with all the rights and privileges of the family, perhaps it is quite fair that he must shed his ties with his natural parents or guardian. In some instances it could be argued that a child could be deprived of a fairly good inheritance. However, before an adoption is finally approved all evidence must be presented and I should imagine that no judge or director would recommend adoption which was not in the best interests of the child. If an inheritance of some magni-

tude were involved, it may be better not to approve adoption. I do not think we need worry with this safeguard.

I feel the department should give further consideration to one part of the Act which concerns delays. When an application is made for adoption, it is necessary for the applicants to present a medical certificate, together with photographs and an X-ray. However, it is essential that these be presented within six months. As there is a delay of 12 months or over at the moment, practically every application for adoption must be accompanied by further X-rays. This may not be difficult for people living in the metropolitan area but members will appreciate the difficulty involved for those living in outlying areas.

The Hon. W. F. Willesee: I had a man recently who refused to have another X-ray taken. He said, "I have had enough."

The Hon. L. A. LOGAN: I had this brought to my attention and this is why I raise the issue now.

The Hon. G. C. MacKinnon: We are infinitely more careful about adoptive parents than we are about natural parents.

The Hon. L. A. LOGAN: We must be careful for the child's sake and also for the parents' sake, as they must be compatible. The emphasis is on the welfare of the child, so the health of the adopting parents must also be taken into consideration.

The Hon. I. G. Medcalf: Do you think it is a good thing for a photograph to be supplied?

The Hon. L. A. LOGAN: I do not think this is laid down in the Act, but a photograph is usually provided. However, the X-ray position is causing some delay, together with the staff shortage, of course. I do not know that there is a need for an X-ray every six months. The Minister should look at this to see whether it could be extended to 12 or 18 months. I have received letters from applicants for adoption who have been told, "I am sorry, your X-ray film is out of date and you must supply another."

The Hon. G. C. MacKinnon: This is a short period. This would be a chest X-ray, would it?

The Hon. L. A. LOGAN: This is laid down in section 5. As Mr. MacKinnon said, it is a short period; we do not have compulsory X-rays every six months.

The Hon. W. F. Willesee: I will have a look at it as I do not think it is too late to alter it.

The Hon. G. C. MacKinnon: The compulsory X-rays are a lot further apart than every 12 months now.

The Hon. L. A. LOGAN: This is why I am raising it now. If this period is extended it may help the department and it will certainly help the individual.

When this legislation becomes law, as I am sure it will, it must be consolidated with the present Act, otherwise it will be confusing to the people administering the Act.

With those remarks I have pleasure in supporting the legislation. I hope and trust we can iron out some of the difficulties which have arisen and that the time lag can be reduced.

The Hon. W. F. Willesee: I think the key to this is staff.

The Hon. L. A. LOGAN: Of the two things I mentioned, staffing is probably the more important. The difficulty is, of course, that it is not possible to put someone in to do this job at five or 10 minutes' notice. It needs planning, and often a staff member will leave within three months and go somewhere else, and another person must be trained. I would like to see a concerted effort made to reduce this problem. I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan) [3.42 p.m.]: The Bill we have before us presents some new features, but generally speaking it is an attempt to clarify points of doubt which have arisen in the administration of adoptions. This is a very important area of law for the many people who have adopted children and it is surprising how many children in our community have been adopted.

If I may refer to the question Mr. MacKinnon directed to Mr. Logan, it is quite proper that we should take greater care with children who are to be adopted than with natural children. As members of Parliament we do not have any control over natural parents and the children they have but we are responsible in passing this legislation to see that the interests of the adopted child are paramount.

The Hon. L. A. Logan: I did not get what he said actually.

I think that is necessary, and I am sure the honourable member will agree that one cannot be too careful when children are being adopted. It is most necessary to ensure that the parents come up to the required standard which we would consider adequate to bring up and maintain a child throughout its tender years.

The Hon. W. F. Willesee: In essence the life of the child is paramount.

The Hon. I. G. MEDCALF: That is so, and this is made quite clear in the Bill. It has always been a tenet of law that the interests of the child are paramount, and it is now stated quite categorically in the Bill that the criterion for the court to follow in deciding whether or not to permit an adoption is to bear in mind and ensure that the child comes first.

In my experience courts have always taken this view, but now we have it laid down categorically that this standard must be adhered to. Sometimes the provision

has caused hardship because I know of cases in which parents wished to adopt a child and were debarred from doing so by the action of the court.

One such case of which I had knowledge concerned two, I believe, very deserving parents who wanted to adopt a child. The judge ruled against the adoption on the ground that the father had had a criminal record. The record was not really bad; it indicated that many years before he had been involved in an assault case and was charged with disorderly conduct. On these grounds the judge would not permit the adoption of the child to take place.

On a subsequent occasion I had another case where one of the parents had been involved in shop-lifting charges and I think there was also the question of disorderly conduct on the part of the mother when she was a young woman of 18 or 19 years.

We were able to satisfy the judge that hers was just an act of folly in her youth and that she had got over it. But the judge took some satisfying because he was concerned with the interests of the child.

That, of course, is quite right and this is now made clear in the legislation before us. The Government has lowered the adoption age from 21 to 18 years by changing the definition of a child.

Sitting suspended from 3.45 to 4.03 p.m.

The Hon. I. G. MEDCALF: Before the afternoon tea suspension I was saying that the age has been reduced from 21 to 18 years for the purpose of adoption under this legislation. However, it does not mean that a person over 18 years of age cannot be adopted, and this is made clear in the Bill which provides that a person of any age can still be the subject of an adoption order. As the age for so many other purposes has been lowered to 18 years, I suppose that for the sake of consistency the Government has decided also to lower the age for the purposes of adoption.

In this Parliament we have already lowered the age for the purposes of making wills, for voting, and for borrowing money from certain institutions; but we have not lowered the age of responsibility to 18 years for all purposes. This question has been talked about, and has been the subject of discussion at conferences of the Attorneys-General over the last few years. We hope that one day there will be a finalisation of views, because in the meantime a considerable amount of uncertainty exists in the public mind. Most legal documents are still framed in terms of 21 years of age.

However, in the Bill before us the Government has decided that it is in a sense assuming that the age of responsibility will be lowered to 18 years, and therefore it desires to amend the definition of a child to a person who has not attained the age of 18 years, instead of 21 years as

previously. I do not quarrel with this amendment, because in practice it makes little difference. In practice a person over 18 years of age can still be adopted in particular circumstances. All it really means is that a person between 18 years and 21 years of age will not be the subject of an adoption order, unless there is very good reason.

I know that the United Kingdom Family Law Reform Act of 1969 does, in fact, reduce the age of majority to 18 years for all purposes. In this State we do not have such an Act. The United Kingdom Act is a very important one, because not only does it provide for illegitimate succession, but also for the reduction of the age to 18 years and a means whereby there will be no prejudice in respect of adopted children.

It is unfortunate that the United Kingdom Act was not mentioned by the Minister when he introduced the Administration Act Amendment Bill recently, because that Act clearly provides for all the things that are being provided for in that Bill. The Minister did make it clear that the Administration Act Amendment Bill will not be passed until the House has had an opportunity to consider the Adoption of Children Act Amendment Bill; and for that we are indebted to him.

Other amendments included in the Bill before us consist of matters to which the Minister has already adverted. I will not refer to them in detail, but the first matter dealt with is who may adopt a child. In that regard the provisions of the Bill are more specific than are the provisions in the parent Act.

The Bill makes it clear that the welfare of the child is paramount. It refers to the case of adoption by a single parent, and makes it clear that this is to take place in special cases only; so that in future a single parent will only be permitted to adopt in special circumstances.

The Bill also includes various machinery provisions to assist the Child Welfare Department in the handling of adoptions; of consents; of nomination of officers to represent the Director of Child Welfare; of children who leave the State, because sometimes such children are taken away by the proposed adopting parents before the adoption orders have been made; and of children who cannot be placed by the Director of Child Welfare with adopting parents. It is unfortunate that some children suffer from such mental or physical defects it is difficult to find parents to adopt them. There might be other reasons for it not being easy to arrange adoptions for some children, and this Bill provides a means whereby such a situation can be taken care of.

I would like to congratulate the draftsman of the Bill for having successfully performed the difficult task of framing the provisions of clauses 13 and 14. These are

the complementary provisions to the illegitimate succession provisions in the Administration Act. It was a difficult task, especially when we consider the ramifications of the law of adoption. In my view the draftsman has done a very good job, and he deserves our congratulations.

I wish to draw attention to one or two points, so that the draftsman will have the opportunity to consider them, when deciding whether or not any amendments are required. I do so after having congratulated him, and in the knowledge that the Minister has declared that this is a Committee Bill, and therefore one in which interest principally devolves on the consideration of the clauses in Committee.

Clause 13 provides that an adopted child becomes the child of the adopting parents, as if the child had been born in lawful wedlock; and once the child has been adopted it ceases to be the child of its natural parents, or of any previous adopting parents. Upon the new order of adoption being made, or upon the adoption order being made for the first time, that child ceases to be the child of its natural parents or previous adopting parents. Likewise, the natural parents cease to have any legal connection with the adopted child after the adoption order is made.

I think that this is a progressive step. It is a corollary to the action that has already been taken by the House in respect of the Administration Act Amendment Bill, and the other two related Bills which have passed the second reading.

I draw attention to section 7 (1) (d) contained in clause 13. This states that upon the making of an order of adoption any existing appointment of a person, by will or deed, as guardian of the adopted child ceases to have effect. I ask: What about the case of the appointment by will which takes effect after the death of the person who makes the appointment? If a person makes an appointment of a guardian in his will, which is to take effect after his death, is that not an existing appointment, and will that cease to have effect under paragraph (d)?

The Hon. W. F. Willesee: Will you elaborate on that point?

The Hon. I. G. MEDCALF: That paragraph states that any existing appointment of a person, by will or deed, as a guardian of an adopted child ceases to have effect as soon as the adoption order is made. What I point out is this: there might be in existence an appointment made under a will by an adopting parent, who decides that after his death some particular person shall be the guardian of the adopted child. That seems to me to be an existing appointment.

The question is whether or not paragraph (d) should be amended to have this effect: any existing appointment of a person, by any person other than the adopting parent or parents, as a guardian of an

adopted child ceases to have effect upon the making of an order of adoption.

The Hon. W. F. Willesee: We will certainly look into that. I think you are being highly technical at the moment.

The Hon. I. G. MEDCALF: Would the Minister prefer me to raise these points in the Committee stage?

The Hon. W. F. Willesee: I think it is preferable to deal with them now, because that gives me the opportunity to help members with their queries when the Bill is considered in Committee.

The Hon. I. G. MEDCALF: I hesitate to speak on technical matters and to take up the time of members unnecessarily. I am only too happy to make a separate statement to the Minister on matters of this kind if you, Mr. President, prefer me to do that rather than to discuss them at the second reading stage.

The Hon. W. F. Willesee: I think the honourable member is doing a good job.

The Hon. I. G. MEDCALF: Clause 14 contains one or two points to which I wish to make reference. This clause states that the previous provisions in relation to dispositions of property will take effect except that those provisions do not affect a disposition of property by a person who, or by persons any of whom, died before the coming into operation of the Act.

The point I raise here—and this will be recorded in *Hansard* so that it can be referred to—is what about the case of a disposition which does not take effect until a later date? I take it that paragraphs (a) and (b) of subclause (1) are intended to be in the alternative, and I raise the question: What about the disposition which will not take effect until a later date?

I suggest the situation could, perhaps, be compared with that of persons who die before or after the coming into operation of the Act where there is a disposition containing a life interest in a property. I feel rather guilty when I refer to these technical matters and I do not think it is appropriate to deal with them at greater length. My point has been recorded in *Hansard* and I shall be interested to discuss the matter further with any person interested.

The Hon. W. F. Willesee: We will certainly do that.

The Hon. I. G. MEDCALF: I am pleased to note there is provision for a trust to be varied in certain circumstances. This is the first time I have seen such a provision in an Act in Western Australia which will enable dispositions to be varied. Usually there is no power to vary dispositions in the document itself, but there is power for the court to vary them. I have not previously seen an occasion where an Act of Parliament enables a private variation of trusts to be made. This is in the circumstances entirely appropriate.

I consider that the Bill is a good one and I commend the Government for introducing it. I believe it is based on the experience of the Director of Child Welfare, and it is a valuable contribution to our law. Generally speaking, it is well drawn, particularly the clauses which deal with the disposition of property. I commend the draftsman for the many hours of hard work which he has obviously put into the Bill.

The Hon. W. F. Willesee: I think you should include the Director of Child Welfare who has also put many hours into the Bill.

The Hon. I. G. MEDCALF: I agree with that, and from my experience I know that over many years the directors of child welfare, and the members of the Child Welfare Department, have taken a very keen interest in the subject of adoption. This interest has, in fact, done much to give the Child Welfare Department good reputation.

The Hon. W. F. Willesee: Coupled with the name of the previous Minister for Child Welfare!

Debate adjourned, on motion by The Hon. L. D. Elliott.

TOWN PLANNING: CORRIDOR PLAN

Inquiry by Select Committee: President's Ruling

THE PRESIDENT [4.19 p.m.]: The Hon. R. J. L. Williams has asked for a ruling as to the effect of Standing Order 336 in respect of any member who may be appointed to the Select Committee.

I consider the terms of the motion which has been approved by the House are for a broad investigation as to the feasibility of the corridor plan.

The acceptance or rejection of the plan may affect the interests of many members, but it is not possible for me to ascertain whether these are immediate or direct, and I must assume that if the interests of any member of the House are affected, this would be of a general or remote character, and I therefore rule that I can see no impediment to any member being so appointed.

If the honourable member knows of any reason why a particular member should not be appointed to the committee he will have the opportunity to object when the nominations are made.

Appointment of Select Committee

THE HON. F. R. WHITE (West) [4.20 p.m.]: I move—

That the Honourable Clive Griffiths, the Honourable R. F. Cloughton, and the mover be appointed to serve on the Committee.

Question put and passed.

THE HON. F. R. WHITE (West) [4.21 p.m.]: I move—

That the Committee have power to call for persons, papers and documents and to adjourn from place to place; that it may sit on days over which the Council stands adjourned; that the Committee be authorised to function notwithstanding the adjournment or prorogation of Parliament; and that the report be presented following the reassembly of Parliament in 1972.

Question put and passed.

Request to Confer

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.22 p.m.]: I move—

That a Message be transmitted to the Legislative Assembly acquainting the Legislative Assembly that the Legislative Council has agreed to the appointment of a Select Committee of three members to inquire into and report upon the Corridor Plan for Perth as published by the Metropolitan Region Planning Authority, and to make such recommendations as to the feasibility of the Plan or to recommend such alterations and amendments as are considered to be desirable in the interests of Planning the Metropolitan Region; and requesting the Legislative Assembly to appoint a Select Committee with the same number of members with power to confer with the Committee of the Legislative Council.

THE HON. F. R. WHITE (West) [4.23 p.m.]: Basically, I have no objections to the proposal put forward by the Leader of the House on the following provisos: If such a committee is appointed from the Legislative Assembly it will consist of three members—equal to the number appointed to the committee by this House—and also that the members be from the back benches, and not members of the Government.

The Hon. R. Thompson: Do you mean the Government or the Cabinet?

The Hon. F. R. WHITE: Well, Cabinet is the Government, the member who interjected belongs to the Government party not to the Government.

The Hon. A. F. Griffith: But he gets into the Cabinet every now and then, as he told us the other night.

The Hon. F. R. WHITE: Another proviso is that the three members to be appointed from the Legislative Assembly will be one from each party; that is, one from the Labor Party, one from the Liberal Party, and one from the Country Party. If the Leader of the House can satisfy me on that point I will have no objection to the appointment to the committee of members from another place. However, if those conditions could not be fulfilled I feel the

impartiality which I have written into the motion—debated and passed by this House—will be destroyed. If that were to be the case, I would have to oppose the proposal put forward by the Leader of the House. I ask the Minister to endeavour to satisfy me on that point.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [4.24 p.m.]: I find myself in a somewhat difficult situation. The Leader of the House moved his motion, and then he did what I have been known to do myself. Probably by mistake, I have resumed my seat—or put my pants on my seat—for a second or two.

The Hon. W. F. Willesee: Waiting for the motion to be put.

The Hon. A. F. GRIFFITH: Yes, waiting for the motion to be put. However, by the physical action of putting my pants on my seat I found that I deprived myself of speaking further. I think the Leader of the House finds himself in that position through no fault of yours, Sir, and through no fault of his own.

The result is that I am expected to vote on a motion which requests that three members of the Legislative Assembly be incorporated in the committee which has been appointed by the Legislative Council. Whilst Standing Orders provide for such a set of circumstances, I have not heard one word of the reasons for the motion, or the justification for it. For that reason I find myself in a somewhat difficult situation.

Equally, I find myself in a difficult situation in having to cast a vote in advance in respect of an undertaking which Mr. White has requested respecting members of another Chamber. I do not think that we in this House can make such a request of another Chamber. I do not think we are in a position to lay down terms of this nature which really state that we will agree to the motion provided the composition of the committee is chosen from certain people, and not from others.

If the motion now before us is passed we will send a request to the Legislative Assembly that they, in fact, join us. So, by and large, because of what has happened I certainly find myself in a difficult situation and I doubt the wisdom of the moves which have been made. I also certainly doubt whether the Leader of the House can give any assurance along the lines requested by Mr. White. This is an unsatisfactory state of affairs.

I am sure the Minister will take advantage of the opportunity to the extent you will permit him, Mr. President, to endeavour to justify the reason for the request that this Chamber might make. Then, without being able to argue, we will be in the position of having to vote and that, to say the least, is unsatisfactory. Mr. White will have no opportunity to analyse arguments put forward by the Leader of the House.

The Hon. W. F. Willesee: I think Mr. White came in too soon.

The Hon. A. F. GRIFFITH: I think he did, too. He will not have any opportunity to weigh the pros and cons. However, I think his move was unintentional in the circumstances which arose. Nevertheless, we should guard against this sort of situation in the future. I cannot speak to the motion to any extent at this stage.

Personal Explanation

The HON. W. F. WILLESEE (Leader of the House): May I, by way of explanation, say that it is customary and polite—and it is the practice in every Parliament of the Commonwealth and throughout the world—that when the President is speaking the person who is on his feet resumes his seat. Therefore, after I had moved the motion and you, Mr. President, were putting the motion to the House, I sat down. That is customary, and it must be done.

When you gave the call to Mr. White, Mr. President, I did not believe—at that stage—that I had lost the initiative to speak to the motion. If my opportunity has been lost it is unfortunate. I do not think that anything was lost by hearing what Mr. White had to say.

I have before me a prepared statement supporting this motion, and if you will permit me, Mr. President, I will use it. I am prepared then to endeavour to have the debate adjourned. I will give an undertaking to the House that consideration will be given to what Mr. White desires.

The PRESIDENT: Order!

The Hon. A. F. Griffith: Don't sit down!

The PRESIDENT: Order! In the circumstances I seek the leave of the House to permit the Leader of the House to read the statement. It is unfortunate, but I think the House will appreciate the circumstances.

The Hon. A. F. GRIFFITH: I appreciate your action, Mr. President, and I am sure of the intention of the Leader of the House. The reason I interjected and said, "Don't sit down," was that on resuming his seat he would have closed the debate.

The Hon. W. F. Willesee: That is right. I was up on a point of explanation.

The Hon. A. F. GRIFFITH: He will close the debate; there is no doubt of that.

The PRESIDENT: How?

The Hon. A. F. GRIFFITH: He will close it when he resumes his seat.

The PRESIDENT: Order! I am seeking leave of the House for the Leader of the House to read the statement he was denied the opportunity to read when he sat down and I called Mr. White instead of calling the Leader of the House. That is the situation. It is an unfortunate circumstance, but let us face the facts. I leave it at

that. The question is that leave be granted for the Minister to complete his statement.

Question put and passed.

Leave granted.

Ministerial Statement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [4.31 p.m.]: Thank you, Mr. President. In view of the passing by this House of the motion for setting up a Select Committee of members of this Chamber to inquire into and report upon the corridor plan for Perth, I desire to make some remarks in support of the motion standing in my name.

It will be recalled that an important and substantial part of the speech delivered by Mr. White when moving his motion dealt with the educational advantages which would accrue to members of Parliament in the taking of evidence by such a committee, the making of recommendations as to the feasibility of the plan, or as to alterations and amendments which might be considered desirable in the interests of planning the metropolitan area.

It will be recalled that the honourable member stated—

Town planning, with all its ramifications, is most intricate and complicated. Unless one has a sound knowledge of town planning and all its intricacies, one cannot be capable of giving a constructive expression of opinion. As a member of Parliament, I feel I need to be educated further so that in the future I will be able to make a sound judgment based on knowledge which I hope will be acquired by me on a committee such as I suggest. To have a sound knowledge of town planning within the metropolitan region, it is necessary for one to have a fairly solid understanding of many things.

The honourable member then went on to point out the knowledge one must acquire of many Acts of Parliament and an understanding of the functions and powers of various Government departments, boards, instrumentalities, and so forth. This sounded to me—whether or not it was so intended—like a very personal approach, though nonetheless desirable, in a search for knowledge to enable a better understanding of the plan.

If this were to be the object of the exercise and the product of the motion moved by the honourable member, it would appear that only three of the 81 members of Parliament would stand to benefit. I ask, then: Are these three members to become the parliamentary experts on town planning; or is the information to be imparted only to members of this House?

Therefore, with a view to testing the sincerity of the members who supported this motion, and in order that the benefits of which we have been told might be better enjoyed by all members of Parliament, I have moved the motion which stands in my name in the hope that this House will agree to an approach being made to another place in order that it might join with us in the setting up of a Joint Select Committee.

A further point which I put to members in support of this move is the fact that for some curious reason this motion has been moved in this Chamber, which is thus deprived of the opportunity to receive a reply from the Minister concerned. Liberal-Country Party Governments would not allow Select Committees, but on a change of Government they use their majority not in the popular House where Governments are made and unmade but in this Chamber where, conveniently, the responsible Minister cannot participate.

It is amazing how the honourable member has found such new virtue in Select Committees only since the change of Government, and in all sincerity I submit to the House that the right and proper thing to do now is to accord to members in another place those advantages which Mr. White has stated will accrue to parliamentary members of the Legislative Council.

Debate adjourned, on motion by The Hon. J. Dolan (Minister for Police).

Point of Order

The Hon. A. F. GRIFFITH: On a point of order, I take it that members of the Chamber will, at the next day of sitting, be able to debate the motion moved by the Leader of the House.

The Hon. W. F. Willesee: I think so.

The PRESIDENT: On the point of order; Mr. White addressed himself to the motion that had not been fully put by the Minister, and all other members, with the exception of yourself, will be at liberty to speak to the motion.

The Hon. A. F. GRIFFITH: Concerning the words "all other members, with the exception of yourself," I merely rose to make an explanation and to point out that the Minister had resumed his seat and thereby had not given any account of the reason for moving his motion. Having explained that, are you intending, Mr. President, to deprive me of the opportunity to speak on the matter again?

The PRESIDENT: If the honourable member prefaced his remarks as he now claims he did, he would be at liberty to speak; but I was not aware that he had so prefaced his remarks.

The Hon. A. F. GRIFFITH: With the greatest respect, I suggest that you Sir, have a look at the remarks I made and I am sure you will interpret them as being by

way of explanation. The position in which I find myself, being deprived, as the Leader of the Opposition in this Chamber, of making a response to the prepared statement read by the Leader of the House is something I fail to understand.

The Hon. W. F. WILLESEE: Mr. President, I agree with what the Leader of the Opposition has said. He was making an explanation of the position into which we had got ourselves. I do not think he touched on the subject matter at all.

The PRESIDENT: I have no doubt whatsoever that when I peruse *Hansard* I will allow the Leader of the Opposition to speak.

PROPERTY LAW ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 14th September.

THE HON. I. G. MEDCALF (Metropolitan) [4.38 p.m.]: In supporting this legislation I merely wish to outline, very briefly, how it interacts with the other legislation which has already been before the House. I propose to summarise points which are common to the various Bills we have already had before us.

Firstly, we had the Administration Act Amendment Bill which dealt with the position of illegitimates for purposes of inheritance. Secondly, we had the Wills Act Amendment Bill which dealt with illegitimates in respect of the definition of children and issue in wills. Thirdly, we had the Property Law Act Amendment Bill which dealt with illegitimates for purposes of definition in conveyances of property.

As a result of the consideration of those Bills it was found necessary to amend the Adoption of Children Act, and the Adoption of Children Act Amendment Bill is still under consideration by this House. Following upon the Adoption of Children Act Amendment Bill it was found necessary again to amend the Property Law Act, and that is the Bill which is now before us. Therefore, in fact, as a result of the decision to improve the position of illegitimates for purposes of inheritance it has been found necessary to bring before the House another four Bills.

There is a fifth Bill which has not yet come before the House and which I believe is also bound up in this matter; that is, the Inheritance (Family and Dependents Provision) Bill, which is on the notice paper in another place. I believe that Bill should also be considered by this House in conjunction with the others because I understand it also deals with the position of illegitimates and gives them special rights in respect of claiming against the estates of deceased intestates. That is

another Bill which is probably bound up with proposals in regard to illegitimate and adopted children.

The Bill we have before us today is a very simple one; there are no complications about it. It is a very brief Bill which proposes to amend section 102 of the Property Law Act. That section deals with the capacity of a woman to procreate or bear a child, and the general effect of the section is that a woman of 55 years of age or over is deemed not to be capable of bearing a child. That is basically what the section says in so far as it is relevant to this particular Bill. In other words, there is a presumption in law that if a woman is 55 years of age she cannot bear a child. This is already in the Property Law Act.

If that Act were not amended by the present Bill we would have the situation that although the law presumes that a woman cannot bear a child at 55 there is no presumption against her adopting a child at 55. Therefore, this Bill seeks to add not only that it is presumed she cannot procreate after 55 but also that she will not adopt a child once she has reached that age. That does not mean she is prevented from adopting a child. It means there is a presumption in law that she will not adopt a child, in the same way as there is a presumption in law that she cannot bear a child. In other words, if the court allows it, the woman can still adopt a child, just as, if nature allows it, she can still bear a child. If she does bear or adopt a child the law will take care of that, but for purposes of allowing property to be distributed there must be a presumption in law that at a certain stage she cannot bear another child and she will not adopt another child.

If we do not have that presumption there are all sorts of technical difficulties in connection with property law. That is the reason for this amendment. It is a perfectly good reason, even though it may seem a little strange that we should be legislating on this subject at all.

The Hon. W. F. Willesee: It did to me.

The Hon. I. G. MEDCALF: I do not want to give the impression that we are legislating to prevent a woman adopting a child when she is over the age of 55. We are not. We are merely saying there is a presumption that after the age of 55 she will not adopt a child, just as there is a presumption that after the age of 55 she is incapable of bearing a child. We are saying if she was born in 1916 she is not likely to adopt a child. This has a significance in connection with trusts, and so on.

I give one simple illustration. If there is a settlement or a deed in which a person leaves property to a woman for her life and upon her death to her children, provided she is over the age of 55 she can give away that property to her children on the basis that she will not have any more

children—that is under the presumption that she will not have any more children—because our law presumes that after the age of 55 she cannot bear any more children.

Therefore if she is past the age of 55 years and she has a life interest in a property she can surrender her life interest in favour of her then children. If she has one child she can give away her property to that child who would take it anyway when she dies. If she has two children she can surrender her property to them because she is over the age of 55 and, therefore, presumed to be unable to procreate. However, if we do not bring in this new law to presume that she will not adopt a child, she could not give away her property to her natural children because it would be assumed that she might still adopt a child.

This Bill will enable property to be distributed instead of being tied up indefinitely in trusts and settlements. Therefore I think it does have practical significance, and it is properly worded. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. F. Claughton.

FAMILY PLANNING CLINIC

Establishment: Personal Explanation

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.46 p.m.]: Mr. President, as a result of the questions asked by Mr. MacKinnon regarding family planning clinics and contraceptives, I feel there may be some confusion arising from a statement I made to the Press.

The PRESIDENT: Do you wish to make a personal explanation?

The Hon. R. F. CLAUGHTON: That is right. I would like to outline the action I have actually taken in relation to this matter. At the time I sought leave of my party to prepare a private member's Bill to amend the Contraceptives Act. During the drafting of the amendment certain other problems arose and a legal opinion was conveyed to me that the difficulties in relation to the definition of a public place made the sale of contraceptives altogether illegal. For that reason I sought some other alternative methods of providing for such services to be lawful in a family planning clinic. I took the matter to the Minister for Health and that is where it resides at the moment; it is not, as Mr. MacKinnon may assume, resting with the Minister for Police.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr. President: I am at a complete loss. I seem to be accused in this exercise of something of which I am not only completely ignorant but also completely innocent. I saw an article in the Press and from knowledge gained over a number of years in Parliament I believed there was some impediment in the

Contraceptives Act. In complete innocence I asked a question—as one is entitled to—firstly of the Leader of the House and then, once again, because of my knowledge that this is a police matter and has nothing to do with the Public Health Department, I asked a question of the Minister representing the Minister for Police.

However, now Mr. Cloughton is making an explanation. I have no objection to that provided he in no way connects me with it and implies that I was a party to anything at all in an effort to undermine him. I did no such thing.

The PRESIDENT: Will Mr. Cloughton please make his point so as to exonerate Mr. MacKinnon?

The Hon. R. F. CLAUGHTON: I have no intention at all of accusing the honourable member.

The Hon. G. C. MacKinnon: Good.

The Hon. R. F. CLAUGHTON: I felt that he may be somewhat confused about what has actually taken place and I was doing my best to clear it up for him. I apologise if I am not succeeding. I was making the point that the Minister for Police is not aware of what I have done because I did not take it to him.

The Hon. G. C. MacKinnon: That is a remarkable statement.

The PRESIDENT: Is this a matter which is before the House? I am somewhat befogged because the honourable member seems to be making a personal explanation about something which went on outside this Chamber.

Personal Explanation Resumed

The Hon. R. F. CLAUGHTON: Mr. President, may I refer you to Standing Order 74?

The PRESIDENT: Standing Order 74 states—

By the indulgence of the Council, a Member may explain matters of a personal nature, although there be no question before the Council; but such matters may not be debated.

I am under the impression that that Standing Order deals with matters which have arisen in the House.

The Hon. R. F. CLAUGHTON: I accept your ruling, Mr. President. However, in the past when matters have been referred to in the Press members have come back into the House and made a personal explanation of this sort.

The PRESIDENT: If the matter has arisen in the House.

The Hon. R. F. CLAUGHTON: Mr. President, if you rule me out of order I will accept your ruling. The matter has been raised by way of questions asked of the Minister for Police.

The PRESIDENT: I think the honourable member has gone far enough. He has made his point. As far as I can under-

stand it the matter is very involved and it is difficult for the Chair to make a ruling on it. Therefore I think we should let the matter rest. It would be to the advantage of everyone concerned.

House adjourned at 4.52 p.m.

Legislative Assembly

Thursday, the 16th September, 1971

The SPEAKER (Mr. Toms) took the Chair at 11.00 a.m., and read prayers.

LEAVE OF ABSENCE

On motion by Mr. O'Neil, leave of absence for six weeks was granted to Mr. Hutchinson (Cottesloe) on the ground of private business.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Second Reading: Budget Speech

MR. T. D. EVANS (Kalgoorlie—Treasurer) [11.05 a.m.]: I move—

That the Bill be now read a second time.

This is the first time I have introduced the State Budget and it is, of course, the first Budget presented by a Government led by The Hon. John Tonkin. The privilege of delivering the Budget Speech falls to me as Treasurer and I very much appreciate the opportunity it gives me to speak on the finances of the State.

For many years it has been the practice of the Treasurer, when presenting the Budget, to spend a little time reviewing the economic performance of the State over the past year and the current economic trends.

I propose to continue this practice because I consider it most desirable that members should be informed of the economic climate in which the Budget is framed.

The Economy

The Commonwealth Government bears the primary responsibility for the general management of the economy and the Budgets of the States are not shaped with a view to exercising a major influence on economic trends. In any event, we lack the flexibility of revenue resources necessary for effective intervention on the economic scene.

However, we do have a responsibility to be aware of the effect of Government spending on the economic situation and of the Commonwealth Government's aims in this regard. Moreover, our own revenues and therefore our financial capacity, can be markedly affected by the turn of economic events as indeed are the requirements for Government expenditure.